



US Army Corps
of Engineers
Seattle District



Joint Public Notice

Application for a Department of the Army Permit and a Washington Department of Ecology Water Quality Certification and/or Coastal Zone Management Consistency Concurrence

US Army Corps of Engineers
Regulatory Branch
Post Office Box 3755
Seattle, WA 98124-3755
Telephone (360) 750-9046
Attn: Steve Gagnon, Project Manager

WA Department of Ecology
SEA Program
Post Office Box 47600
Olympia, WA 98504-7600
Telephone (360) 407-6068
Attn: SEA Program, Federal Permit
Coordinator

Public Notice Date: 1 April 2009
Expiration Date: 30 April 2009
Reference No.: NWS-2009-214
Name: Yakama Nation (Lyle Falls
Fishway)

ROUTINE SECTIONS 10 AND/OR 404

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and the Washington Department of Ecology (Ecology) have received an application to perform work in waters of the United States as described below and shown on the enclosed drawings.

The Corps will review the work in accordance with Section 404 of the Clean Water Act (CWA). Ecology will review the work pursuant to Section 401 of the CWA, with applicable provisions of State water pollution control laws.

APPLICANT:

Yakama Nation
PO Box 151
Toppenish, Washington 98498
ATTN: Ms. Lavina Washines

AGENT:

Harbor Consulting Engineers, Inc.
3006 Fuhrman Avenue E
Seattle, Washington 98102
ATTN: Mr. John R. Hutchins

LOCATION: Lyle Falls Fishway at river mile 2.2 in the Klickitat River near Lyle, Klickitat County, Washington.

WORK: Applicant proposes to discharge 20 cubic yards of concrete in the Klickitat River to construct a new fishway intake structure as part of modifications to the Lyle Falls Fishway. Associated work will include a soldier pile coffer dam to allow dewatering of the construction area and excavation of approximately 150 cubic yards of rock in the area where the intake structure will be constructed. In addition to the in-water work, the existing fishway will be extended 350 feet upstream through the uplands to the new intake structure.

PURPOSE: Improve fish passage to the upper stretches of the Klickitat River.

ADDITIONAL INFORMATION: Two alternatives, no action and the preferred alternative, were considered in detail in the Environmental Impact Statement. Three other alternatives were eliminated from review due to technical, environmental, and/or economic difficulties.

MITIGATION: No mitigation has been proposed since the purpose of the project is to improve fish passage.

ENDANGERED SPECIES: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. Bonneville Power Administration (BPA), as the lead agency for ESA consultation, will consult with the NMFS and the USFWS as required under Section 7 of the ESA. They have determined the project is likely to adversely affect proposed and/or listed species and their designated critical habitat. The NMFS determined the project was not likely to adversely affect threatened Middle Columbia River steelhead (*Oncorhynchus mykiss*) and their designated habitat in a letter August 18, 2008. BPA has also determined the project is not likely to adversely affect bull trout (*Salvelinus confluentus*) and its designated critical habitat. The USFWS concurred with that determination in a letter dated May 5, 2008.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed action would impact EFH in the project area. Bonneville Power Administration, as the lead agency for a determination regarding EFH, will consult with the National Marine Fisheries Services if necessary. They have determined that the project, because of timing and minimization measures, will not adversely affect EFH species.

CULTURAL RESOURCES: Bonneville Power Administration, as the lead agency for determining compliance with Section 106 of the National Historic Preservation Act, will consult with the State Historic Preservation Office as appropriate. This public notice initiates consultation under Section 106 of the National Historic Preservation Act with any Tribe that has information or concerns with historic properties in the proposed permit area.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION – CORPS - The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species,

historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

The described discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the CWA. These guidelines require an alternatives analysis for any proposed discharge of dredged or fill material into waters of the United States.

EVALUATION—ECOLOGY: Ecology is soliciting comments from the public; Federal, Native American Nations or tribal governments, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Ecology will be considering all comments to determine whether to certify or deny certification for the proposed project.

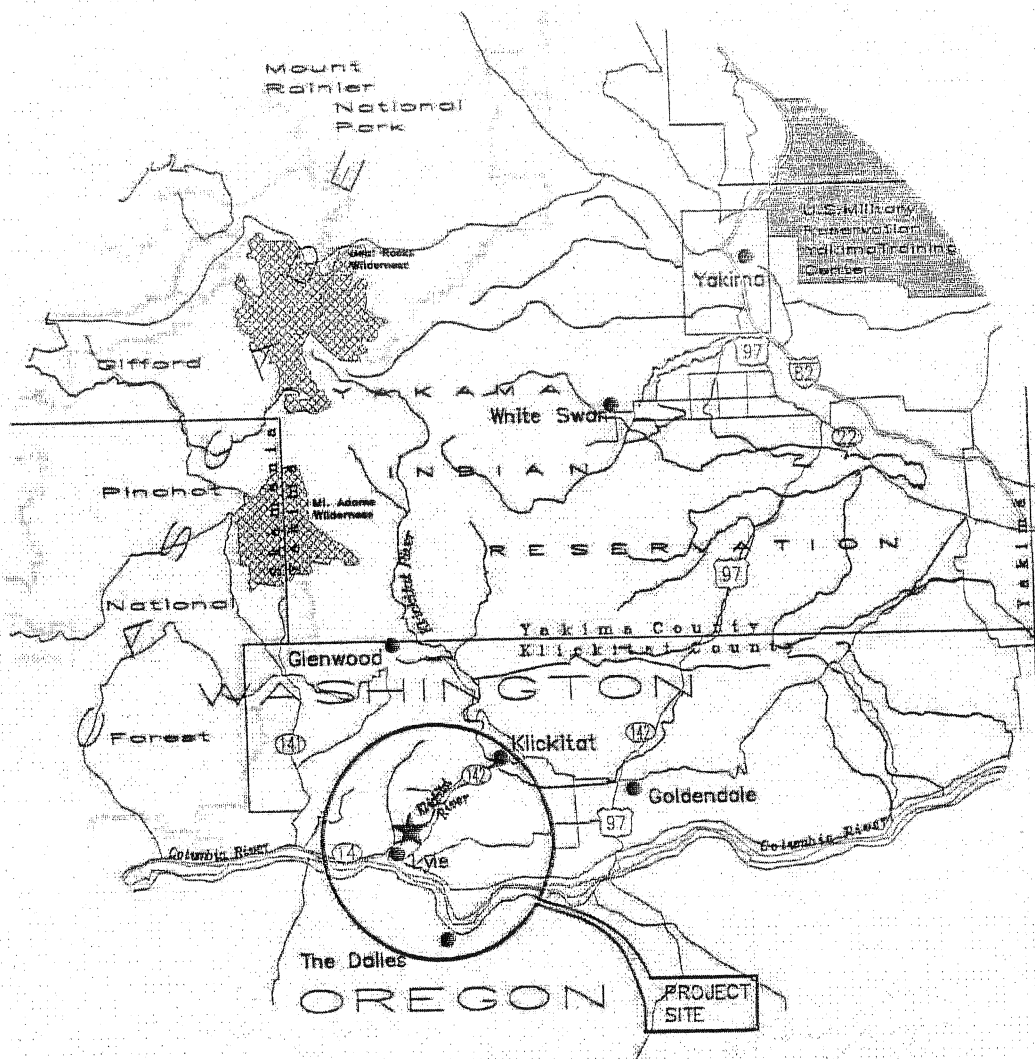
COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. Either conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentor's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration.

Corps comments: All e-mail comments should be sent to steven.k.gagnon@usace.army.mil. Conventional mail comments should be sent to U.S. Army Corps of Engineers, Regulatory Branch, Attn: Steve Gagnon, Post Office Box 3755, Seattle, Washington, 98124-3755.

Ecology Comments: Any person desiring to present views on the project pertaining to a request for water quality certification under Section 401 of the CWA and/or Coastal Zone Management consistency concurrence, may do so by submitting written comments to the following address: Department of Ecology, Attn: SEA program – Federal Permit Coordinator, P.O. Box 47600, Olympia, Washington, 98504-7600, or e-mail to ecyrefedpermits@ecy.wa.gov

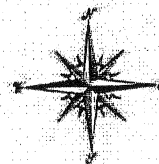
To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: Yakama Nation (Lyle Falls Fishway); NWS-2009-214.

Encl: Figures 5

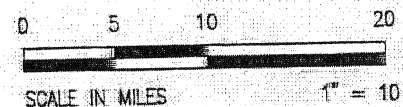


LOCATION MAP

APPROX. SCALE: 1" = 10 MILES



MILEAGE TABLE	
LYLE FALLS TO:	MILES
Klickitat, WA	11.3
LYLE, WA	2.2



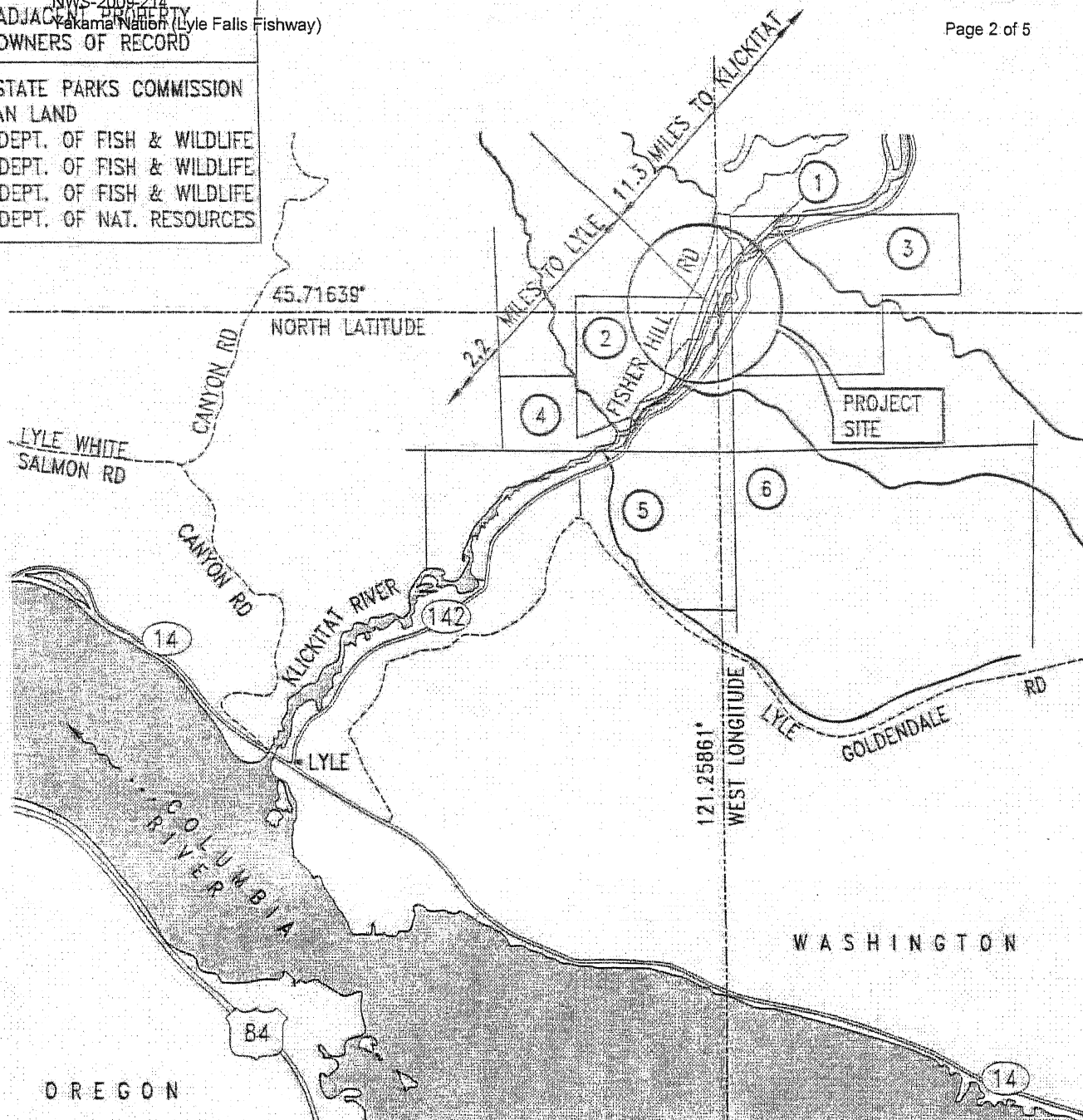
DATUM: LYLE FALLS FISHWAY PROJECT DATUM

APPLICATION BY: YAKAMA NATION

APPLICATION PREPARED BY:
HARBOR CONSULTING ENGINEERS, INC.PROPOSED IMPROVEMENTS TO LYLE FALLS FISHWAY,
RIVER MILE 2.2, KICKITAT RIVERPURPOSE: TO IMPROVE FISH PASSAGE PAST LYLE FALLS
AT: LYLE FALLS FISHWAY, KICKITAT COUNTY, WASHINGTON

SHEET 1 OF 17 DATE: 2-13-09

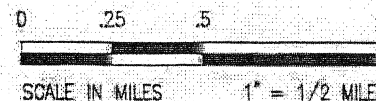
- 1 WA STATE PARKS COMMISSION
- 2 INDIAN LAND
- 3 WA DEPT. OF FISH & WILDLIFE
- 4 WA DEPT. OF FISH & WILDLIFE
- 5 WA DEPT. OF FISH & WILDLIFE
- 6 WA DEPT. OF NAT. RESOURCES



VICINITY MAP

PROPOSED FISHWAY IS IN THE S.E. ¼ OF
SEC. 26 - TWP. 3N - R. 12E., W.M.
& IN THE S.W. ¼ OF SEC. 25 - TWP. 3N
- R. 12E., W.M.

SCALE: 1" = 1/2 MILE



DATUM: LYLE FALLS FISHWAY PROJECT DATUM

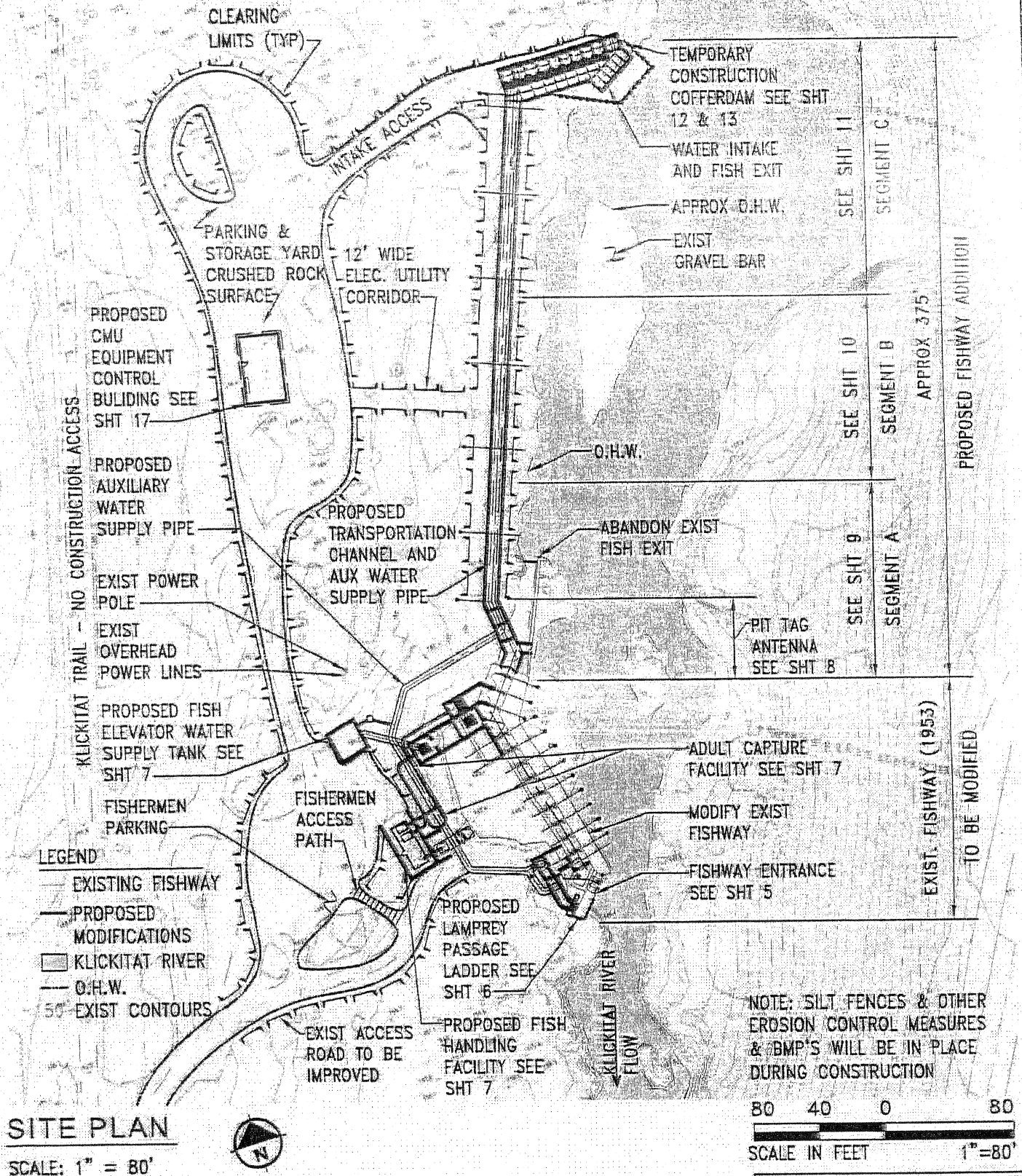
APPLICATION BY: YAKAMA NATION

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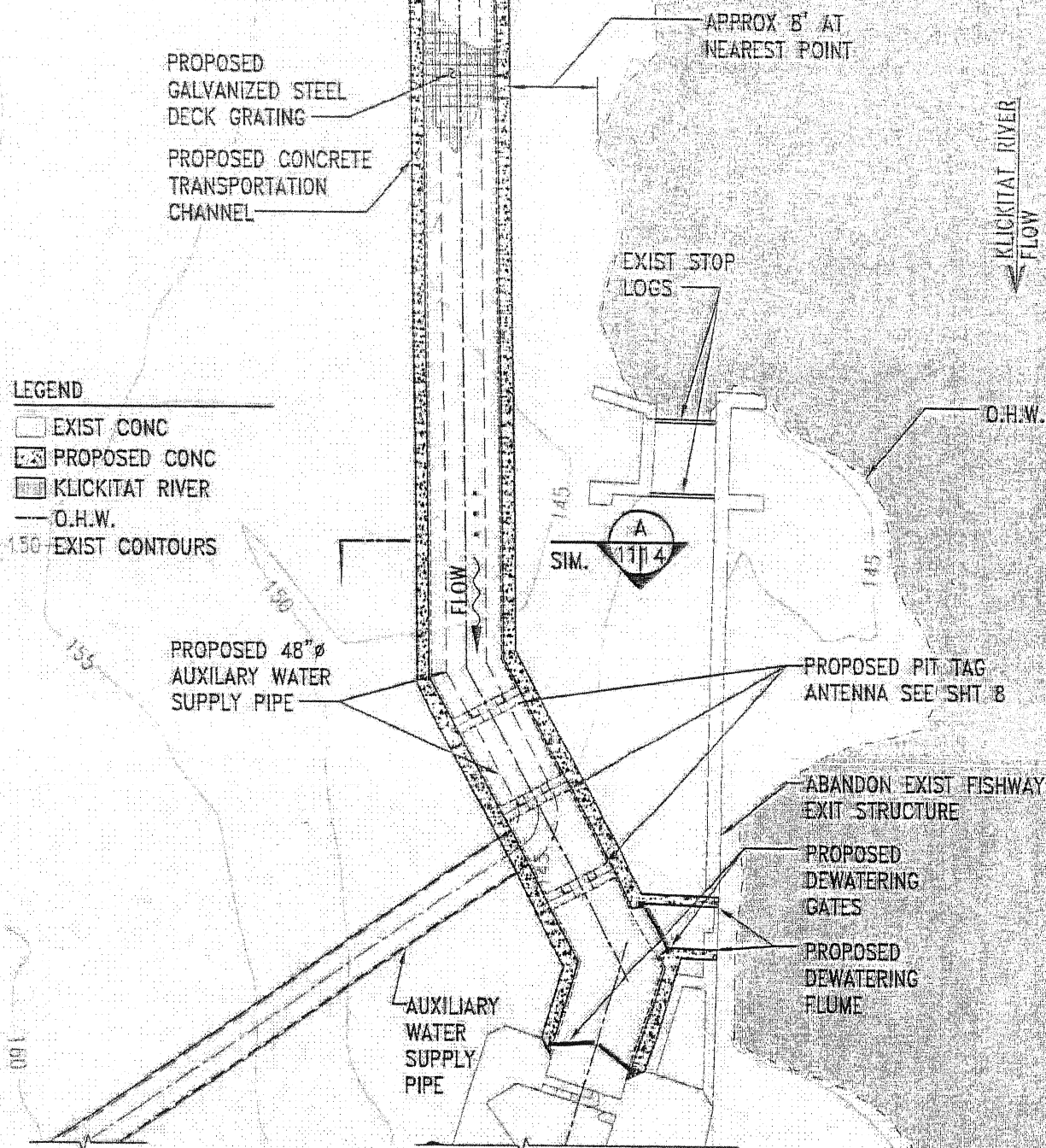
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SHEET 4 OF 17 DATE: 2-20-09



TRANSPORTATION CHANNEL PLAN

SEGMENT A
 SCALE: 1/16" = 1'-0"



5 0 10 20 30
 SCALE IN FEET 1/16" = 1'

DATUM: LYLE FALLS FISHWAY PROJECT DATUM

APPLICATION BY: YAKAMA NATION

APPLICATION PREPARED BY:
 HARBOR CONSULTING ENGINEERS, INC.

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SHEET 9 OF 17 DATE: 2-13-09

